

REMARKS

In the Office Action dated August 5, 2008, claims 1, 3-8, 10-27, 29-31, 33, 35, and 37-43 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2004/011732 (Bennett); claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bennett in view of U.S. Patent No. 6,725,289 (Waldspurger); and claim 36 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bennett in view of U.S. Patent No. 6,199,159 (Fish).

Claim 1 recites that the flexible operating system is configured to operate in a non-virtualized environment when the flexible operating system is being used as a native operating system, and is configured to operate in a virtualized environment when the flexible operating system is being used as a virtualized operating system.

In contrast, as best seen in Fig. 1 of Bennett, both operating systems (OS#1 and OS#2) operate in a respective virtualized environment, as provided by respective virtual machine abstraction 1 and virtual machine abstraction 2 and by the virtual machine monitor (VMM). As specifically taught by Bennett, both the operating systems depicted in Fig. 1 are guest operating systems. *See, e.g.*, Bennett, ¶ [0019]. By definition, a guest operating system runs within a virtual machine, and therefore, **cannot** constitute a native operating system that operates in a **non-virtualized** environment.

The handling of privileged or non-privileged interrupts by guest software directly or by the VMM, as taught by the passages of Bennett cited by the Office Action, does not change the fact that each guest operating system depicted in Fig. 1 of Bennett operates in a virtualized environment, and cannot be considered to be a native operating system that operates in a non-virtualized environment.

In view of the foregoing, it is respectfully submitted that claim 1 is not anticipated by Bennett.

Independent claims 11, 17, 27, and 35 are similarly allowable over Bennett.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the allowability of base claims over Bennett, the obviousness rejections of dependent claims over Bennett and other references have also been overcome.

Moreover, with respect to dependent claim 4, there is no teaching by Bennett of a paravirtualized operating system that is operable to make a call to a VMM for performing at least one privileged operation. With respect to claim 4, the Office Action cited ¶ [0020], lines 1-6, of Bennett. This passage of Bennett refers to an interrupt generated during operation of a virtual machine that may be classified as either privileged or non-privileged. A non-privileged interrupt is controlled by guest software, while a privileged interrupt is handled by the VMM. As explained in ¶¶ [0033]-[0034] of Bennett, if the interrupt is a non-privileged interrupt that is to be managed by the guest software, then the interrupt controller delivers the interrupt to the guest software. On the other hand, if the interrupt is a privileged interrupt, then the interrupt controller triggers the transition of control to the VMM. Bennett, ¶ [0035]. Nowhere in Bennett is there any teaching or hint of a paravirtualized operating system making a call to a VMM for performing a privileged operation. Rather, Bennett teaches that it is the interrupt controller that triggers the transition of control to the VMM – this is clearly different from an operating system making a call to the VMM.

Claim 4 is therefore further allowable for the foregoing reason.

Dependent claims 8-10, 16, 22, 23, and 33 are also further similarly allowable over Bennett.

In view of the foregoing, allowance of all claims is respectfully requested.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200315952-1).

Respectfully submitted,

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